

REMARKS/ARGUMENTS

In response to the Office Action mailed May 20, 2003, Applicants amend their application and request reconsideration view of the amendments and the following remarks. In this amendment, claim 1 is amended, claim 2 is cancelled without prejudice, claims 6-22 were previously cancelled without prejudice, and no new claims have been added, so that claims 1 and 3-5 remain pending. No new matter has been introduced.

Claims 1-5 were rejected as being unpatentable over U.S. Patent Number 6,231,597 to Berry et al. (Berry) in view of U.S. Patent No. 6,355,057 to DeMarais et al. (DeMaris). This rejection is respectfully traversed.

The MPEP, in Section 706.02(j), sets forth the basic criteria that must be met in order to establish a *prima facie* case of obviousness:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicants' disclosure. In re Vaack 947 F.2d, 488, 20 USPQ2d 1438 (Fed.Cir. 1991). See MPEP §2143.03 for decisions pertinent to each of these criteria.

The present invention, as claimed in amended independent claim 1, is directed to a stent. The stent comprises a plurality of hoops having a plurality of interconnected struts forming a substantially diamond shape configuration, a plurality of sinusoidal rings connecting adjacent hoops to one another, and proximal and distal attachment devices for securing a graft member to the stent. The stent has proximal and distal end hoops that are configured to have greater radial and longitudinal strength than the hoops therebetween. The sinusoidal rings being formed from a plurality of alternating struts, wherein a junction of the alternating struts of the sinusoidal rings and a junction of interconnected struts of the plurality of hoops are a common junction. The proximal attachment device is positioned distal of the proximal open-end of the stent such that the proximal open end of the stent is exposed to the body vessel.

Berry discloses a radially expandable stent. The stent may be balloon expandable or self-expanding. The self-expanding stent may be formed from nickel-titanium alloys. In one embodiment, adjacent longitudinal segments are joined by flexible interconnection segments that permit the stent to bend laterally. The flexible interconnection segment is comprised of curvilinear struts that form a series of serpentine bends that distribute lateral bending forces. The flexible interconnection segments interconnect adjacent the longitudinal segments via at least one short interconnection strut.

DeMariais discloses an endoluminal prosthesis. The prosthesis comprises a liner supported by a frame. The frame comprises a series of independent ring frames affixed to the liner. Each of the ring frames is formed as a circumferential series of alternating large diamond shaped elements and small diamond elements. In one embodiment, the frame is disposed outside of the liner

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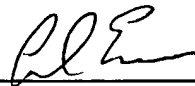
and is another embodiment the liner is disposed outside of the frame. The liner may be attached to the frame utilizing a number of known techniques and devices, including sutures, adhesives, welding and weaving or braiding the frames elements into the liner. The liner is cut to match the pattern of the frames. In other words, the liner extends to the end of each diamond on each end of the frame.

Applicants respectfully submit that the prior art references, whether taken alone or in combination, fail to disclose or suggest all of the claim limitations. In making the rejection, the Examiner contends that Berry discloses all of the claimed elements except for proximal and distal attachment devices. The Examiner further contends that DeMarais teaches placement of proximal and distal attachment devices on radially expandable stents for the purpose of securing a graft to the stent. Assuming arguendo that Berry does disclose all of the elements of the claimed invention, except for the attachment devices, DeMarais fails to disclose attachment devices as claimed in independent claim 1. As stated above, the liner in DeMarais extends to the end of each diamond on each end of the frame. Specifically, at col. 6, lines 66 to claim 7, line 2, DeMarais states that "sutures 60 affix liner 18 along proximal end 12 as defined by ring frame 50 as to the substantially seal the liner of the prosthesis against the surrounding vascular wall". In addition, a review of all figures in DeMarais illustrates that no portion of the stent is exposed. In the claimed invention, the proximal attachment device is positioned away from the end of the stent so that the end of the the stent is exposed. Since DeMarais fails to disclose or even remotely suggest this configuration, the combination of references fail to disclose or even remotely suggest all of the claimed limitations. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

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A favorable action on the merit is respectfully requested.

Respectfully submitted,



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